AN ACT to amend the criminal procedure law, in relation to defendants' statement admissibility and recorded interrogations

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions 1 and 2 of section 60.45 of the criminal procedure law are amended to add the following:

1. Evidence of a written or oral confession, admission, or other statement made by a defendant with respect to his participation or lack of participation in the offense charged, may not be received in evidence against him in a criminal proceeding if such statement was involuntarily made.

2. A confession, admission or other statement is "involuntarily made" by a defendant when it is obtained from him or her:

   (a) By any person by the use or threatened use of physical force upon the defendant or another person, or by means of any other improper conduct or undue pressure which impaired the defendant's physical or mental condition to the extent of undermining his or her ability to make a choice whether or not to make a statement; or

   (b) By a public servant engaged in law enforcement activity or by a person then acting under his or her direction or in cooperation with him or her:

   (i) by means of any promise or statement of fact, which promise or statement undermines the reliability of the defendant's statement, or

   (ii) creates a substantial risk that the defendant might falsely incriminate himself or herself; [or]

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [−] is old law to be omitted.
by knowingly communicating false facts about evidence to the
defendant; or

in violation of such rights as the defendant may derive from the
constitution of this state or of the United States.

4. The division of criminal justice services shall collect and analyze
the following data related to the recordation of interrogations pursuant
to the requirements of subdivision three of this section, including but
not limited to:

(a) The aggregate annual number of recorded interrogations in
detention facilities for all categories of criminal charges, including
such charges as required by paragraph (a) of subdivision three of this
section and any additional recorded interrogations.

(b) The disaggregate data for each case involving a custodial interro-
gation of a person suspected of committing a crime that occurred in a
detention facility, including:

(i) Whether the interrogation was recorded.

(ii) If the interrogation was not recorded, whether there was a show-
ing of good cause pursuant to paragraph (c) of subdivision three of this
section.

(iii) The duration of the interrogation and the circumstances of the
recorded interrogation, including:

(1) Whether the recording began: (A) when the suspect entered the
interrogation room; (B) when the suspect was read his or her Miranda
rights; or (C) after the suspect was read his or her Miranda rights; and

(2) Whether the recording ended: (A) after the interrogation ended;
(B) immediately after the suspect confessed; or (C) at another time
prior to the end of the interrogation.

(iv) Whether the suspect confessed to the crime during the interro-
gation.

(v) Whether the interrogation was recorded with video and audio or
audio only.

§ 2. This act shall take effect on the ninetieth day after it shall
have become a law.